

REMARKS

This communication is in response to the final Office Action issued February 27, 2003. Claims 1-20 are pending in the application. The Applicant has amended claims 1, 9, 14, 17, 19 and 20. The Applicant thanks the Examiner for indicating the allowable subject matter of claims 3, 4, 9, 15, and 16. Applicant submits that the application is in condition for allowance. Reconsideration and allowance in view of the following is respectfully requested.

A. Miscellaneous

The Examiner objected to the written description because of various informalities include in the abstract. In response, the Applicant has amended the written description to correct each of the informalities included in the abstract. Accordingly, the objection is believed to be overcome and withdrawal of the objection is requested.

The Examiner objected to claim 9 because the limitations "said first box structure" and "said second box structure" lack antecedent basis. In response, the Applicant has amended claim 9 to correct the lack of antecedent basis. Accordingly, the objection is believed to be overcome and withdrawal of the objection is requested.

The Examiner objected to claims 19 and 20 because the term "method" is recited, but the term "system appears to be appropriate. In response, the Applicant has amended claims 19 and 20 to correct the claim language. Accordingly, the objection is believed to be overcome and withdrawal of the objection is requested.

B. Claim Rejection Under 35 U.S.C. § 102

The Examiner rejected claims 1, 2, 5-8, 10-14, and 17-20 under 35 U.S.C. § 102 in view of U.S. Patent No. 5,285,259, to Saitoh (Saitoh).

It is well settled that for a rejection of a claim under 35 U.S.C. § 102 to be proper, each and every element as set forth in the claim must be found in a single reference. See, for example, MPEP § 2131. For at least the reasons stated below, the Examiner's rejections of claims 1, 2, 5-8, 10-14, and 17-20 do not satisfy this burden.

Saitoh appears to disclose a mask including a first structure and a wafer including a

second structure. Linear zone plates are provided on the mask and gratings are provided on the wafer.

The present application, conversely, discloses and claims in amended claims 1, 14 and 17 a method, and a system for implementing the method, for determining an exposure gap between a mask and a resist material are provided. A first gratings is provided on one or more sides of a first structure defined by one or more first regions of the mask. A second gratings is provided on one or more sides of a second structure defined by one or more second regions of the mask. The first and the second structures are exposed to incident energy and the difference between a location in the first structure and a location in the second structure is measured. The exposure gap is extrapolated from the difference. The first and second structures are provided on the mask. There is no teaching or suggestion that the first and second structures are provided on the mask and that gratings are provided on the first and second structures in Saitoh. Therefore, claims 1, 14, and 17 are allowable over Saitoh.

In view of the foregoing, the Examiner's rejection under 35 U.S.C. § 102 to claims 1, 2, 5-8, 10-14, and 17-20 is believed to be overcome.

CONCLUSION

All claims are believed to be in condition for allowance. If the Examiner has any questions about this Amendment and to facilitate prosecution, the Examiner is encouraged to call the undersigned attorney. The Commissioner is hereby authorized to charge any insufficient fees or credit any overpayment associated with this application to Deposit Account No. 19-5127 referencing 19944.0044.

Respectfully submitted,

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